

DISCLAIMER

This electronic version of an SCC order is for informational purposes only and is not an official document of the Commission. An official copy may be obtained from the [Clerk of the Commission, Document Control Center](#).

COMMONWEALTH OF VIRGINIA

STATE CORPORATION COMMISSION

AT RICHMOND, APRIL 12, 2000

APPLICATION OF

PUREPACKET COMMUNICATIONS OF
VIRGINIA, INC.

CASE NO. PUC000066

For a certificate of public
convenience and necessity
to provide local exchange
telecommunications services

ORDER FOR NOTICE AND HEARING

As completed on March 23, 2000, PUREPACKET COMMUNICATIONS OF VIRGINIA, INC. ("PUREPACKET" or "Applicant"), filed an application for a certificate of public convenience and necessity ("certificate") requesting authority to provide local exchange telecommunications services throughout the Commonwealth of Virginia.

NOW UPON CONSIDERATION of the filing, the Commission is of the opinion that PUREPACKET's application should be docketed; that the Applicant should give notice to the public of its application; that the Commission Staff should conduct an investigation into the reasonableness of the application and present its findings in a Staff Report; and that a public hearing should be convened to receive evidence relevant to PUREPACKET's application.

Accordingly, IT IS THEREFORE ORDERED THAT:

(1) This case is docketed and assigned Case No. PUC000066.

(2) A public hearing for the purpose of receiving evidence relevant to PUREPACKET's application is scheduled for June 7, 2000, at 10:00 a.m. in the Commission's second floor courtroom located in the Tyler Building, 1300 East Main Street, Richmond, Virginia.

(3) On or before April 27, 2000, the Applicant shall complete publication of the following notice, which may be published on one (1) occasion as classified advertising, in newspapers having general circulation throughout the Applicant's proposed service territory:

NOTICE TO THE PUBLIC OF AN APPLICATION
BY PUREPACKET COMMUNICATIONS OF VIRGINIA,
INC., FOR A CERTIFICATE OF PUBLIC
CONVENIENCE AND NECESSITY TO PROVIDE LOCAL
EXCHANGE TELECOMMUNICATIONS SERVICES
THROUGHOUT THE COMMONWEALTH OF VIRGINIA
CASE NO. PUC000066

As completed on March 23, 2000,
PUREPACKET COMMUNICATIONS OF VIRGINIA, INC.
("PUREPACKET" or "Applicant"), filed an
application for a certificate of public
convenience and necessity ("certificate")
requesting authority to provide local
exchange telecommunications services
throughout the Commonwealth of Virginia.

A public hearing on PUREPACKET's
application will be convened on June 7,
2000, at 10:00 a.m. in the Commission's
second floor courtroom located in the Tyler
Building, 1300 East Main Street, Richmond,
Virginia, to hear evidence relevant to its

application for a certificate to provide local exchange services.

Copies of the application are available for public inspection between the hours of 8:15 a.m. and 5:00 p.m. in the Commission's Document Control Center located on the first floor of the Tyler Building, 1300 East Main Street, Richmond, Virginia 23219, or can be ordered from PUREPACKET's counsel, Kodwo Ghartey-Tagoe, Esquire, McGuire, Woods, Battle & Boothe, L.L.P., One James Center, 901 East Cary Street, Richmond, Virginia 23219-4030.

Any person desiring to comment in writing on PUREPACKET's application may do so by directing such comments on or before May 11, 2000, to the Clerk of the Commission at the address listed below. Written comments must refer to Case No. PUC000066.

Any person desiring to make a statement at the public hearing concerning PUREPACKET's application need only appear in the Commission's second floor courtroom at 9:45 a.m. on the day of the hearing and identify himself or herself as a public witness to the Commission's Bailiff.

Any person who expects to submit evidence, cross-examine witnesses, or otherwise participate in the proceeding as a Protestant, pursuant to Rule 4:6 of the Commission's Rules of Practice and Procedure, should promptly obtain a copy of the Order for Notice and Hearing from the Clerk of the Commission for full details of the procedural schedule and instructions on participation.

Individuals with disabilities who require an accommodation to participate in the hearing should contact the Commission at least seven (7) days before the scheduled hearing date at 1-800-552-7945 (voice) or 1-804-371-9206 (TDD).

All written communications to the Commission concerning PUREPACKET's application should be directed to Joel H. Peck, Clerk, State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218, and should refer to Case No. PUC000066.

PUREPACKET COMMUNICATIONS OF VIRGINIA, INC.

(4) On or before April 19, 2000, Applicant shall give notice of its application to each local exchange telephone carrier certificated in Virginia by personal delivery or by first-class mail, postage prepaid, to the customary place of business or residence of the person served. A current list of those carriers and their addresses is attached as Appendix A.

(5) On or before May 1, 2000, the Applicant shall prefile with the Commission an original and fifteen (15) copies of any additional direct testimony it intends to present at the public hearing. Copies shall also be served on any person who files a Notice of Protest.

(6) Any person desiring to comment in writing on PUREPACKET's application may do so by directing such comments on or before May 11, 2000, to the Clerk of the Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218. Comments must refer to Case No. PUC000066. Any person desiring to make a statement at the public hearing concerning the application need only appear in the Commission's second

floor courtroom at 9:45 a.m. on the day of the hearing and identify himself or herself to the Bailiff as a public witness.

(7) On or before May 11, 2000, any person desiring to participate as a Protestant as defined in Rule 4:6 of the Commission's Rules of Practice and Procedure ("Rules") shall file an original and fifteen (15) copies of a Notice of Protest as provided in Rule 5:16(a) and shall serve a copy of the same on PUREPACKET's counsel, Kodwo Gharthey-Tagoe, Esquire, McGuire, Woods, Battle & Boothe, L.L.P., One James Center, 901 East Cary Street, Richmond, Virginia 23219-4030.

(8) Any person who expects to submit evidence, cross-examine witnesses, or otherwise participate in the proceeding as a Protestant pursuant to Rule 4:6 shall file on or before May 11, 2000, an original and fifteen (15) copies of its Protest with the Clerk of the Commission at the address listed above, referring to Case No. PUC000066, and shall on the same day mail a copy thereof to PUREPACKET's counsel, Kodwo Gharthey-Tagoe, Esquire, McGuire, Woods, Battle & Boothe, L.L.P., One James Center, 901 East Cary Street, Richmond, Virginia 23219-4030, and to any other Protestants. The Protest shall set forth (i) a precise statement of the interest of the Protestant in the proceeding; (ii) a full and clear statement of the facts which the Protestant is prepared to prove by competent evidence; and (iii) a statement of the specific relief sought and the legal

basis therefor. Any corporate entity that wishes to submit evidence, cross-examine witnesses, or otherwise participate as a Protestant must be represented by legal counsel in accordance with the requirement of Rule 4:8 of the Commission's Rules.

(9) On or before May 11, 2000, each Protestant shall file with the Clerk of the Commission an original and fifteen (15) copies of the prepared testimony and exhibits the Protestant intends to present at the hearing, and shall on the same day mail a copy of the same to counsel for PUREPACKET and other Protestants. Service upon counsel for PUREPACKET shall be made at the address set forth above.

(10) The Commission Staff shall analyze the reasonableness of PUREPACKET's application and present its findings in a Staff Report to be filed on or before May 24, 2000.

(11) On or before May 24, 2000, if necessary, the Commission Staff may file with the Clerk of the Commission an original and fifteen (15) copies of any prepared testimony and exhibits it intends to present at the public hearing. A copy of the Staff direct testimony shall be mailed to the counsel for the Applicant and to each Protestant.

(12) On or before May 31, 2000, the Applicant shall file with the Clerk of the Commission an original and fifteen (15) copies of any testimony it expects to introduce in rebuttal to any direct prefiled testimony of Staff and Protestants. A copy

of the rebuttal testimony shall be mailed to Staff and each Protestant by overnight delivery.

(13) At the commencement of the hearing scheduled herein, PUREPACKET shall provide to the Commission proof of the notice and service required by ordering paragraphs (3) and (4) herein.

(14) The Applicant shall respond to written interrogatories or data requests within seven (7) days after the receipt of the same. Protestants shall provide to the Applicant, other Protestants and Staff any workpapers or documents used in preparation of their prefiled testimony, promptly upon request. Except as so modified, discovery shall be in accordance with Part VI of the Rules.